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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,660	10/23/2003	Heui Seag Park	1594.1243	8931

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EXAMINER

VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,660

Applicant(s)

PARK, HEUI SEAG

Examiner

Quang T Van

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-20 and 23-29 is/are rejected.
- 7) ☒ Claim(s) 15, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/15/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The examiner has considered the list of copending applications submitted on December 23, 2003.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 8 and 25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11, and 18 of copending Application No. 10/691,595 in view of Lim (US 5,625,520). The copending Application No. 10/691,595 discloses a cooking cavity (502); an electrical components area (501) partitioned from the cooking cavity (502); a magnetron (503) disposed in the electrical components area (501); a transformer (11) in the electrical components area (501); a container (10) to accommodate the transformer (11), filled with a cooling

material (105) to cool the transformer (11), and having base attached to the electrical components area (501). However, the copending Application No. 10/691,595 does not disclose a temperature-sensitive switch electrically connected to the transformer. Lim discloses a temperature-sensitive switch (TH) electrically connected to the transformer (T2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in the copending Application No. 10/691,595 a temperature-sensitive switch electrically connected to the transformer as taught by Lim in order to shut off power when a temperature of a surface of the transformer is a predetermined overheating temperature.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-8, 10-12, 14, 18, 24-26 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin et al (US 3,819,899) cited by applicant, in view of Lim (US 5,625,520). Wallin discloses a cooking cavity (24); an electrical components area (10) partitioned from the cooking cavity (24); a magnetron (15) disposed in the electrical components area (10); a transformer (18) in the electrical components area (10); a container (10) to accommodate the transformer (18), filled with a cooling material (col. 2, lines 46-48) to cool the transformer (18), and having base attached to the electrical

components area (figure 3). However, Wallin does not disclose a temperature-sensitive switch electrically connected to the transformer. Lim discloses a temperature-sensitive switch (TH) electrically connected to the transformer (T2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Wallin a temperature-sensitive switch electrically connected to the transformer as taught by Lim in order to shut off power when a temperature of a surface of the transformer is a predetermined overheating temperature. With regard to claims 4 and 11, Lim discloses International Electrotechnical Commission (IEC) regulates that the temperature of the high voltage transformer of the microwave oven should not be over 210°C. Lim does not disclose the overheating temperature ranges form about 80°C to about 150°C. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select overheating temperature ranges form about 80°C to about 150°C, since it has been held that selecting overheating temperature range involves only routine skill in the art. *Inre Aller*, 220 F.2d 454, 105 USPQ 233, 235 (CCPA 1995).

7. Claims 1-3, 6, 7-10, 13, 14, 18-20, 24-25, 27 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin et al (US 3,819,899) cited by applicant in view of Cooney (US 2,053,944). Wallin discloses a cooking cavity (24); an electrical components area (10) partitioned from the cooking cavity (24); a magnetron (15) disposed in the electrical components area (10); a transformer (18) in the electrical components area (10); a container (10) to accommodate the transformer (18), filled with a cooling material (col. 2, lines 46-48) to cool the transformer (18), and having base attached to the electrical components area (figure 3). However, Wallin does not disclose

a temperature-sensitive switch electrically connected to the transformer. Cooney discloses a temperature-sensitive switch (33) electrically connected to the transformer (col. 2, lines 16-17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Wallin a temperature-sensitive switch electrically connected to the transformer as taught by Cooney in order to shut off power when a temperature of a surface of the transformer is a predetermined overheating temperature. With regard to claim 19, the container is being made of copper or aluminum. Wallin and Cooney do not mention what kind of material that the container is being made. It would have been obvious to one having ordinary skill in the art to use copper or aluminum as a material for a container. Doing so would improve cooling of the transformer, since copper and aluminum are good materials for dissipating heat which is generated from the transformer

8. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin et al (US 3,819,899) in view of Lim (US 5,625,520) and further in view of Hay (US 4,523,169). Wallin/ Lim disclose substantially all features of the claimed invention except a separate bracket attached to the base. Hay discloses a separate bracket (54) attached to the base (56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Wallin/ Lim a separate bracket attached to the base as taught by Hay for easy to remove the container when maintenance or repair is needed.

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin et al (US 3,819,899) in view of Lim (US 5,625,520) and further in view of Reed (US

1,571,300). Wallin/ Lim disclose substantially all features of the claimed invention except the container having corrugated sidewalls. Reed discloses a container having corrugated sidewalls (6, lines 70-72). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Wallin/ Lim a container having corrugated sidewalls as taught by Reed in order to provide a larger heat dissipating area.

10. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin et al (US 3,819,899) in view of Lim (US 5,625,520), Reed (US 1,571,300) and further in view of Cronin (US 4,169,965). Wallin/ Lim/Reed disclose substantially all features of the claimed invention except a cooling fan. Cronin discloses a cooling fan (36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Wallin/ Lim/Reed a cooling fan as taught by Cronin in order to draw external cool air into the electrical component area to cool the transformer.

11. Claims 15, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV
August 27, 2004



Quang T Van
Primary Examiner
Art Unit 3742